

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHARLES SMITH,

Plaintiff,

CASE NUMBER: 10-12955
HONORABLE VICTORIA A. ROBERTS
Magistrate Judge Mona K. Majzoub

v.

NICK LUDWICK, STEVE RIVARD,
WAYNE DEVERNEY, SCOTT SMITH,
TRAVIS GAGER, R. MARTINEZ, JILL
BROWN, RUTH HALL, KRIS NAFFZIGER,
JOHN DOE, and JANE DOE,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

On July 22, 2011, Magistrate Judge Mona K. Majzoub submitted a Report and Recommendation (Doc. # 43) recommending that the Court **GRANT IN PART** Defendants' Motion for Summary Judgment (Doc. # 16) and **DENY** Plaintiff's Motion for Preliminary Injunction or in the Alternative for Protective Order Prohibiting Retaliation (Doc. # 28).

Because the Court did not receive objections from either party within the time allotted by 28 U.S.C. § 636(b)(1) and E.D. Mich. LR 72.1(d), the Court **ADOPTS** the Magistrate Judge's R & R; the Court **GRANTS** summary judgment to Defendants Ludwick, Rivard, and Smith, and **DENIES** summary judgment to Defendants Gager, Brown, Hall, and Naffziger in their individual capacities and in their official capacities, to the extent he seeks prospective injunctive relief only. Defendants Gager, Brown, Hall,

and Naffziger may file a second Motion for Summary Judgment after Plaintiff has had an opportunity to conduct the necessary discovery. Finally, the Court **DENIES** Plaintiff's Motion for Preliminary Injunction or in the Alternative for Protective Order Prohibiting Retaliation.

IT IS ORDERED.

s/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: August 16, 2011

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on August 16, 2011.

s/Linda Vertriest
Deputy Clerk